

AMENDED IN ASSEMBLY JULY 10, 2003

AMENDED IN SENATE MARCH 10, 2003

SENATE BILL

No. 128

**Introduced by Senator Bowen
(Coauthors: Senators Burton and Perata)**

February 5, 2003

An act to add Article 6 (commencing with Section 2899) to Chapter 10 of Part 2 of Division 1 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Bowen. Cellular telecommunications service.

Existing law empowers the Public Utilities Commission to regulate telecommunications services and rates of telephone corporations and to require telephone corporations to provide customer services. Under existing federal law, the Federal Communications Commission licenses providers of cellular radiotelephone service.

This bill would require that providers of cellular radiotelephone service extend a minimum ~~30-day~~ grace period *of an unspecified number of days* to new customers during which the customer may rescind the agreement, without cost or penalty, if the customer finds that the cellular service quality is unsatisfactory, except that the customer would be required to pay for those services used prior to the cancellation of the agreement. The bill would further require that providers of cellular radiotelephone service provide notice to consumers of these rights. The bill would except commercial accounts, as defined, and

contracts where customers are not required to purchase more than one month of service, from these requirements.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 2899) is added to Chapter 10 of Part 2 of Division 1 of the Public Utilities Code, to read:

Article 6. Cellular Telecommunications Service

2899. (a) Every provider of cellular radiotelephone service shall without cost or penalty, extend to new cellular service customers, a grace period of at least ~~30~~ ____ days, for customers to rescind the agreement and terminate service, if the customer finds that the cellular service quality is unsatisfactory, except that the customer shall pay for those services used prior to the cancellation of the agreement. Every new cellular radiotelephone service agreement shall provide reasonable notice of this grace period and the right of the customer to rescind the agreement if the customer finds that the cellular service quality is unsatisfactory.

(b) This section shall not apply to commercial accounts or to contracts for cellular radiotelephone service where customers are not required to purchase more than one month of service. For purposes of this section, “commercial accounts” mean any account that includes service for five or more cellular radiotelephones.